

BROMSGROVE DISTRICT COUNCIL

ANNUAL COUNCIL

18th May 2011

Scheme of Delegations

Relevant Portfolio Holder	
Relevant Head of Service	Claire Felton
Non Key Decision	

1. SUMMARY

1.1 The Council's constitution requires that the Officer Scheme of Delegation be approved by Members at the Annual Meeting of the Council. Accordingly the purpose of this report is to present to members for approval the current version of the Officer Scheme of Delegations.

2. RECOMMENDATION

2.1 Members are asked to approve the following recommendations:-

2.1.1 That the current version of the Officer Scheme of Delegations as attached at Appendix 1 be agreed by Members.

3. BACKGROUND

3.1 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the executive or other committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive/ Leader to officers. In relation to certain regulatory decisions, the delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee. For clarity these matters are also included in the document.

3.2 The Scheme of Delegations is regularly altered and updated to reflect changes in the operation of the Council and changes to legislation. From time to time Members are requested to consider alterations to the Scheme of Delegation and to approve it.

4. KEY ISSUES

4.1 The current version of the Officer Scheme of Delegation is attached at Appendix 1. Members are asked to note that the format of the document has been changed. It is now set out in portrait format so that it is easier to

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follow; changes have also been made to reflect the introduction of the new governance arrangements for a Leader and Cabinet Executive (strong leader). Where the document previously referred to “Cabinet” this has been changed to “Executive/ Leader”.

4.2 The current versions of the Officer Scheme of Delegations brings together a number of changes previously approved by Council. These include:-

- Updating of the titles of the relevant Directors and Heads of Service to reflect the current structure of the Council under the shared management team;
- Re-arrangement of the delegations between departments to correspond with where the functions now sit within the organisation.
- Consequential amendments arising out of the introduction of Worcestershire Regulatory Services;
- The changes to the Scheme of Delegation for Planning which were agreed at Full Council on 16 March 2011.

Officers have also updated references to legislation which is no longer in force or has been replaced

4.3 The only changes which have not previously been approved relate to Tree Preservation Orders. The purpose of the changes is to clarify responsibility for confirmation, variation and revocation of Tree Preservation Orders as between the Planning Committee and the Head of Environment. The previous version of the Scheme of Delegations did not articulate who should be responsible for revocation and variation resulting in all of these cases being reported to Planning Committee even when there had been no objections. Under the new provisions (set out below) the Planning Committee will determine new applications where objections have been received and also consider revocations and variations of orders they previously approved. In all other cases confirmation, variation or revocation is delegated to the Head of Environment.

Tree Preservation Orders – Confirmation	1. To confirm Tree Preservation Orders under the provisions of the Town & Country Planning Act 1990 in cases where objections have been received	1. Council	1. Planning Committee
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	2. To confirm Tree Preservation Orders in all other cases	2. Planning Committee	2. Head of Environment
Tree Preservation Orders – revocation or variation	1. To revoke or vary a Tree Preservation Order where the original confirmation was made by Planning Committee 2. To revoke or vary in all other cases	1. Council 2. Planning Committee	1. Planning Committee 2. Head of Environment

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising out of this report.

6. LEGAL IMPLICATIONS

6.1 The Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers (s101). Local authorities are required by s100G of the Local Government Act 1972 (as amended) to maintain a list (ie the Scheme of Delegation) specifying those powers of the Council which for the time being, are exercisable from time to time by officers of the Council.

6.2 The Local Government Act 2000 (as amended) gives a general power to local authority executives to make provision for the allocation of any executive functions by officers of the authority. As referred to in the main body of the report from the Council will now be operating under the Leader and Cabinet Executive model and accordingly the ability to delegate executive functions will be vested in the Leader rather than the Cabinet.

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7. POLICY IMPLICATIONS

7.1 None identified

8. COUNCIL OBJECTIVES

8.1 Not applicable

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no significant risks arising from this report that have been identified, but any minor risks arising are being managed as follows:

Risk Register: Legal, Equalities and Democratic Services

Key Objective Ref No: 2

Key Objective: Effective ethical governance

9.2 There are no health and safety implications.

10. CUSTOMER IMPLICATIONS

10.1 The revised Scheme of Delegation will be distributed to Members and will be displayed on the Council's website.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None identified

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None identified

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None identified

14. HUMAN RESOURCES IMPLICATIONS

14.1 None identified

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15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None identified

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None identified

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None identified

18. LESSONS LEARNT

18.1 Not applicable

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 Not applicable

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes

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Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 Current version of the Officer Scheme of Delegations.

23. BACKGROUND PAPERS

None.

24. KEY

Non Applicable

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